

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x

STATE OF NEW YORK, STATE OF CONNECTICUT,  
STATE OF ILLINOIS, STATE OF NEW MEXICO,  
STATE OF WISCONSIN and THE TERRITORY OF  
THE UNITED STATES VIRGIN ISLANDS,

Plaintiffs,

**ORDER**

-against-

04-CV-3869 (SLT) (RML)

UNITED STATES DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT and ALPHONSO JACKSON,  
SECRETARY,

Defendants.

-----x

**TOWNES, United States District Judge:**

In letters dated April 3 and 19, 2007, counsel for Defendants United States Department of Housing and Urban Development (“HUD”) and Alphonso Jackson, Secretary of HUD, alerted this Court to the United States Supreme Court’s April 2, 2007, decision in *Massachusetts v. E.P.A.*, \_\_\_\_ U.S.\_\_\_\_, 127 U.S. 1438 (2007), and requested permission “to advise the Court . . . of the effect of the decision, if any, on Defendants’ arguments.” Although this Court initially construed Defendants’ April 3, 2007, letter as advising the Court that Defendants were in the process of reviewing the Supreme Court decision and evaluating whether supplemental briefing was necessary, this Court construes Defendants’ April 19, 2007, letter as an application for leave to file a supplemental brief on or before April 26, 2007.

Defendants’ application is GRANTED. Defendants shall have until April 26, 2007, to file a supplemental brief not exceeding ten (10) pages in length. If Defendants elect to file a supplemental brief, plaintiff may file a response thereto, also not exceeding ten (10) pages in length, on or before May 11, 2007.

**SO ORDERED.**

/s/

---

SANDRA L. TOWNES  
United States District Judge

Dated: Brooklyn, New York  
April 24, 2007